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EXAMINER

PHAM, MINH CHAU THI

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 08/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/890,140

Applicant(s)

BEUDON ET AL

Examiner

PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

Pre-amb A

1) ☒ Responsive to communication(s) filed on 07/26/01

2a) ☐ This action is FINAL.

2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-15, 18 and 19 is/are rejected.

7) ☒ Claim(s) 16, 17 is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some \* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

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### *Specification*

1. This application does not contain an abstract of the disclosure as required by 37 CFR

1.72(b). An abstract on a separate sheet is required.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

### Arrangement of the Specification

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The following order or arrangement is preferred in framing the specification and, except for the reference to the drawings, each of the lettered items should appear in upper case, without underling or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-Reference to Related Applications.
- © Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on compact disc (see 37 CFR 1.52(e)(5)).
- (e) Background of the Invention.
  - 1. Field of the Invention.
  - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (I) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.

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- (l) Sequence Listing, if on paper (see 37 CFR 1.821-1.825).

Each part of the application needs headings, including Brief Description of the Drawings, and Detailed Description of the Drawings.

### ***Claim Objections***

4. Claims 1-19 are objected to because of the following informalities: Although the phrase "characterized in that" is acceptable to use, the phrase -- comprising -- or -- including -- is preferable to use in order to comply with the U. S. practice. Appropriate correction is required.

5. Claims 1-19 are objected to because of the following informalities: Although numerical designations in the claims are permissible, the claims should be defined with proper structural limitations of the elements and their interrelationship with proper nexus. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-4, 13-15, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al (5,425,793; 10 in Fig. 3; 10 & 81 in Fig. 4; 10a & 81 in Fig. 6; col. 1, lines 5-13; col. 2, lines 59-67; col. 3, lines 43-50; col. 4, lines 8-48 and line 65 through col. 5, line 4).

Mori et al disclose a worktop (10) and a device for the close protection of products arranged on the worktop wherein the device is extending along the worktop and having at least one end adjoining the wall so that there is a gap (Figs. 3 & 4) between the walls and a porous wall made of perforated material (81) separating the walls. Mori et al further disclose a wall provided with an aperture opening (12) onto the worktop and a ventilation nozzle (82) to provide a stream of air toward the products. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a worktop with an air gap as taught by Mori et al so that the worktops are sequentially coupled with each other to provide a volume of clean space and whereby the clean environment can be maintained in different worktop chambers.

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8. Claims 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al (5,425,793; 10 in Fig. 3; 10 & 81 in Fig. 4; 10a & 81 in Fig. 6; col. 1, lines 5-13; col. 2, lines 59-67; col. 3, lines 43-50; col. 4, lines 8-48 and line 65 through col. 5, line 4), as applied supra to paragraph 7 above, in view of the European reference (WO 97/40325; 1, 2, 3, 8 & 9 in Fig. 1, Figs. 1-3; Abstract; page 3, lines 7-19, page 7, lines 3-7).

Claims 5-12 call for at least a sheath made of a flexible material diffusing the air stream. The European reference discloses a sheath made of a flexible material diffusing air stream in a vertical direction substantially perpendicular to the worktop and the sheath being formed of a quasi-leaktight upper wall and of a porous lower wall wherein the sheath is a synthetic fabric such as polyester fabric. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a sheath made of a flexible material as taught by the European reference in the worktop of Mori et al since it is well-known in the art that the fabric sheath is used due to its efficiency for the close protection of sensitive products conveyance by sterilized air stream diffusion, in particular in a substantially vertical direction.

***Allowable Subject Matter***

9. Claims 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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10. The following is a statement of reasons for the indication of allowable subject matter:

None of the prior arts discloses the vertical end skirts lying in a plan perpendicular to the planes of the side sheath skirts and extending towards the operative surface are useful for controlling the end flow of the apparatus without resorting to external means.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kittler (4,189,990) discloses a false ceiling.
- Nowotarski (4,823,680) discloses a laminar fluid door.
- Suzuki et al (4,838,150) disclose a clean room.
- Lazzari et al (4,851,018) disclose the storage and transfer of objects in a very clean atmosphere.
- Hirayama (4,873,914) discloses a clean room system.
- Weber (5,064,457) discloses a particulate containment control system.
- Shinoda et al (5,096,477) disclose a clean air room.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau Pham whose telephone number is (703) 308-1605. The examiner can normally be reached on Monday-Friday (except Wednesday) from 7:15 a.m. to 5:45 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Blaine Copenheaver, can be reached on (703) 308-1261. The fax phone number for this Group is (703) 872-9310 (non-finals) or (703) 872-9311 (after-finals).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'Minh-Chau Pham', with a stylized, cursive script.

**Minh-Chau Pham**

**Patent Examiner**